

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 4-10-07

Submitted by: ASSEMBLY MEMBERS  
SHAMBERG, JENNINGS,  
SULLIVAN, BAUER, BIRCH,  
COFFEY, OSSIANDER, STARR,  
STOUT, TESCHE, TRAINI  
Prepared by: Dept. of Law  
For reading: March 27, 2007

ANCHORAGE, ALASKA  
AO No. 2007-55

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 16 TO ADD  
2 A NEW CHAPTER 16.75 CREATING AUTHORITY AND PROCEDURES FOR  
3 DOMESTIC VIOLENCE FATALITY REVIEWS.

4  
5  
6 THE ANCHORAGE ASSEMBLY ORDAINS:

7  
8 **Section 1.** Anchorage Municipal Code title 16 is hereby amended to add a new  
9 chapter 16.75, entitled Domestic Violence Fatality Reviews, to read as follows:

10  
11 **Chapter 16.75**  
12 **DOMESTIC VIOLENCE FATALITY REVIEWS**

13  
14 **16.75.010 Intent**  
15 **16.75.020 Definitions**  
16 **16.75.030 Composition and Duties of Advisory Committee**  
17 **16.75.040 Composition and Duties of Fatality Review Teams**  
18 **16.75.050 Meetings**  
19 **16.75.060 Confidentiality**  
20

21 **16.75.010 Intent.**

22  
23 This chapter is authorized under Alaska Statutes 18.66.400, and is designed to  
24 provide the guidelines for a municipal domestic violence fatality review process  
25 pursuant to Alaska law. The purpose is to reduce domestic violence-related injuries  
26 and fatalities by reviewing **fatal incidents of domestic violence and incidents of**  
27 **domestic violence involving serious physical injury** ~~domestic violence-related~~  
28 ~~injuries and fatalities~~ and making recommendations designed to identify prevention  
29 strategies and to strengthen system policies.  
30

**16.75.020 Definitions.**

*Advisory Committee* means a team co-chaired by a representative of the Anchorage Police Department and a representative from a domestic violence victim service agency.

*Fatality Review Team* means a team designated by the Advisory Committee to review specific a domestic-violence related injury or fatality and to report back to the Advisory Committee as described in this chapter.

**Serious physical injury has the same meaning as defined in Alaska's criminal law Title 11 at AS 11.81.900(56).**

**16.75.030 Composition and Duties of Advisory Committee.**

A. *Chairpersons.* The Anchorage Police Department Chief of Police shall designate one representative as co-chair along with a domestic violence victim service agency director or his/her designee. The domestic violence victim service agency director will be designated by the Advisory Committee to serve a two-year term.

B. *Members.* The Advisory Committee shall be comprised of:

1. Chief of Police, Anchorage Police Department or designee; and
2. A domestic violence victim service agency director or designee, appointed by the Advisory Committee for a two-year term; and
3. Municipal Attorney, Municipality of Anchorage, Department of Law or designee; and
4. Director, Municipality of Anchorage Department of Health and Human Services, or designee; and
5. Director, Alaska Office of Victims' Rights, or designee; and
6. Director, Alaska Council on Domestic Violence and Sexual Assault, or designee; and
7. Attorney General, State of Alaska, or designee; and
8. Chief Justice or Administrative Director, Alaska Court System, or designee; and

9. At-large members, not to exceed three (3), appointed by the Advisory Committee to serve two-year terms, **may include representation from civil rights and public defense advocacy groups.**

C. *Quorum.* A quorum shall consist of a majority of members present and shall include at least five (5) members.

D. *Duties.*

1. Develop and implement appropriate protocols and policies, according to local needs and resources; and

2. Meet at least quarterly to choose cases **of fatal incidents of domestic violence and incidents of domestic violence involving serious physical injury** for review, to designate advisory committee members, to designate participants for individual fatality review teams, to oversee the fatality review team process, to gather and disseminate necessary information to team members, and to destroy confidential information at the close of fatality reviews; and

3. Collect and maintain data as appropriate; and

4. Review individual team reports to identify trends and to make recommendations; and

5. **Prepare a preliminary report to the Assembly on the work of the Advisory Committee for the first nine months one year after the effective date of this ordinance, the report covering status of work and the overall effectiveness of implementation; and**

6.[5.] Based on these reviews, write and publish a report to the public every two years; and

7.[6.] Distribute the public report to the Office of the Mayor, the Anchorage Municipal Assembly, and the Anchorage Women's Commission.

**16.75.040 Composition and Duties of Fatality Review Teams.**

A. *Composition.* The Advisory Committee shall designate individual fatality review team membership based upon the circumstances of each injury or fatality.

- 1  
2 B. *Duties.* The Advisory Committee shall determine the duties of the fatality  
3 review teams.  
4

5 **16.75.050 Meetings.**  
6

7 All meetings held by the Advisory Committee and the individual domestic violence  
8 fatality review teams are closed to the public and are not subject to the open  
9 meetings provisions of A.S. 44.62.310 and A.S. 44.62.312.  
10

11 **16.75.060 Confidentiality.**  
12

- 13 A. Records or other information collected by the Advisory Committee, any  
14 fatality review team, or member of a committee or review team, related to  
15 duties under this section are confidential and not subject to the public  
16 records disclosure provisions under A.S. 40.25.100 and A.S. 40.25.110,  
17 except a public report issued by the Advisory Committee without  
18 confidential information.  
19

- 20 B. The determinations, conclusions, and recommendations of a domestic  
21 violence fatality review process are not admissible in a civil or criminal  
22 proceeding, including:  
23

- 24 1. A member may not be compelled to disclose a determination,  
25 conclusion, recommendation, discussion, or thought process through  
26 discovery or testimony in a civil or criminal proceeding; and  
27  
28 2. Records and information collected by the committee or team are not  
29 subject to discovery or subpoena in connection with a civil or  
30 criminal proceedings.  
31

- 32 C. Notwithstanding subsection B. above, any person or member may testify in  
33 a civil or criminal proceeding concerning cases reviewed by a domestic  
34 violence fatality review team as required by law. However, no person or  
35 member may disclose any information or documents solely obtained  
36 through, or as the result of, participation in a fatality review team.  
37

- 38 D. Pursuant to AS 18.66.400, and notwithstanding any provision in chapter  
39 2.60 to the contrary, the records and actions of the Advisory Committee and  
40 individual fatality review teams are not subject to review by the office of the  
41 Ombudsman.  
42

- 43 E. Nothing in this chapter supersedes the legal responsibility of any Advisory  
44 Committee or individual fatality review team member with a duty to report,

a duty to warn, or a duty to disclose certain types or categories of information to local, state and/or law-related agencies.

**Section 2.** This ordinance shall be effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 10<sup>th</sup> day of April, 2007.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2007-55

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 16  
TO ADD A NEW CHAPTER 16.75 CREATING AUTHORITY AND  
PROCEDURES FOR DOMESTIC VIOLENCE FATALITY REVIEWS.

Sponsor: **Assembly Member Shamberg**

Preparing Agency: Department of Law

Others Impacted: Department of Health & Human Services, Anchorage Police Department

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

**PUBLIC SECTOR ECONOMIC EFFECTS:**

The ordinance authorizes a multi-agency, multi-governmental task force to review fatalities occurring as the result of domestic violence. There are no public sector economic effects from this ordinance.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

The ordinance authorizes a multi-agency, multi-governmental task force to review fatalities occurring as the result of domestic violence. There are no private sector economic effects from this ordinance.

Prepared by: Dept. of Law

Telephone: 343-4545

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM

No. AM 228-2007

Meeting Date: March 27, 2007

1 **From:** ASSEMBLY MEMBER SHAMBERG

2  
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE  
4 TITLE 16 TO ADD A NEW CHAPTER 16.75 CREATING  
5 AUTHORITY AND PROCEDURES FOR DOMESTIC VIOLENCE  
6 FATALITY REVIEWS.  
7

8 This ordinance authorizes a domestic violence fatality review team and adopts procedures for  
9 a multi-agency, multi-governmental review of domestic violence fatalities in the  
10 Municipality. The purpose of the ordinance is to provide a process with a goal to reducing  
11 injuries and fatalities, and to make recommendations designed to identify prevention  
12 strategies.  
13

14 This legislation is the end result of many years of task force work, including passage of  
15 enabling legislation through the State, and the on-going commitment of the Alaska Court  
16 System, State of Alaska's Attorney General and District Attorney offices, Municipality of  
17 Anchorage's Municipal Attorney and Prosecutor offices, Anchorage Police Department,  
18 Municipality of Anchorage's Department of Health & Human Services, State of Alaska's  
19 Office of Victim's Rights, Abused Women's Aid in Crisis, Inc. (AWAIC), Alaska Women's  
20 Resource Center, and the Council on Domestic Violence & Sexual Assault, among others.  
21

22 The provisions of this ordinance are authorized by Alaska Statute 18.66.400, including  
23 provisions regarding the confidentiality of records reviewed by the team and exemption from  
24 the Open Meetings Act. A copy of the enabling legislation is attached.  
25

26 Domestic violence has a devastating impact upon families, neighbors, communities and the  
27 Municipality of Anchorage. Tragically, in the nation, Alaska ranks high in deaths due to  
28 domestic violence. This ordinance is a confidential process for reviewing existing  
29 procedures and providing recommendations to assist in better identification of problems and  
30 creation of solutions among private, local and state governmental agencies.  
31

32 I urge your support of this ordinance.  
33  
34  
35

36 Respectfully submitted,  
37 Janice Shamberg  
38 Assembly Member

Alaska Statutes 18.66.400.

Domestic violence fatality review teams.

(a) The commissioner of public safety may establish domestic violence fatality review teams in areas of the state. A municipality may establish a domestic violence fatality review team in a municipality. When the investigation of fatal incidents of domestic violence and incidents of domestic violence involving serious physical injury has been completed or adjudicated by law enforcement or at an earlier appropriate time, a domestic violence fatality review team may review those incidents for the purpose of preventing domestic-violence-related fatalities, improving the response of law enforcement and other agencies to domestic violence, and providing consultation and coordination for agencies involved in the prevention and investigation of domestic violence. The review may include a review of events leading up to the domestic violence incident, available community resources, current laws and policies, actions taken by agencies and persons related to the incident and persons involved in the incident, and other information the team determines to be relevant to the review. The confidential and other records of a department or agency of the state or a municipality relating to the domestic violence incident may be examined by the domestic violence fatality review team or a member of the team. The domestic violence fatality review team and each member of the team shall preserve the confidentiality of any records examined. In this subsection, "serious physical injury" has the meaning given in AS 11.81.900.

(b) The membership of a domestic violence fatality review team shall be determined by the commissioner of public safety or the municipality, as appropriate. Membership may include representatives from

- (1) law enforcement agencies within the area or municipality;
- (2) the district attorney for the area or municipality and municipal prosecutor if created by a municipality;
- (3) the office of the chief medical examiner;
- (4) the Department of Corrections;



- (5) employees of the Department of Health and Social Services who deal with domestic violence;
- (6) local agencies and organizations involved with crime victim and domestic violence protection, reporting, and counseling and assistance;
- (7) other organizations, departments, and agencies determined to be appropriate.

(c) The victims' advocate under AS 24.65 is an ex officio member of each domestic violence fatality review team created under this section and may attend any meeting and review any information available to or considered by a team.

(d) Except for a public report issued by a domestic violence fatality review team that does not contain confidential information, records or other information collected by a team or any member of a team related to duties under this section is confidential and not subject to public disclosure under AS 40.25.100 and 40.25.110. Meetings of a domestic violence fatality review team are closed to the public and are not subject to the provisions of AS 44.62.310 and 44.62.312.

(e) The determinations, conclusions, and recommendations of a domestic violence fatality review team or its members are not admissible in a civil or criminal proceeding. A member may not be compelled to disclose a determination, conclusion, recommendation, discussion, or thought process through discovery or testimony in a civil or criminal proceeding. Records and information collected by the team are not subject to discovery or subpoena in connection with a civil or criminal proceeding.

(f) Notwithstanding (e) of this section, an employee of a state or a municipal agency may testify in a civil or criminal proceeding concerning cases reviewed by a domestic violence fatality review team even though the agency's records were reviewed by a team and formed the basis of that employee's testimony and the team's report.

(g) A person who serves on a domestic violence fatality review team is not liable for damages or other relief in an action brought by reason of the performance of a duty, function, or activity of the team.

Municipality of Anchorage  
MUNICIPAL CLERK'S OFFICE  
**Agenda Document Control Sheet**

AO 2007-55

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED	
	AMEND AMC TITLE 15 TO ADD A NEW CHAPTER 16.75		3/23/07	
	CREATING AUTHORITY AND PROCEDURES FOR			
	DOMESTIC VIOLENCE FATALITY REVIEWS		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
<b>2</b>	DEPARTMENT NAME		DIRECTOR'S NAME	
	Assembly		Daniel A. Sullivan, Chairman	
<b>3</b>	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER	
	Rhonda Westover, Deputy Municipal Attorney		343-4532	
<b>4</b>	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE	
	Mayor			
	Municipal Clerk			
	Municipal Attorney			
	Employee Relations			
	Municipal Manager			
	Anchorage Parks & Recreation			
	Fire			
	Health & Human Services			
	Merrill Field Airport			
	Municipal Light & Power			
	Office of Management and Budget			
	Police			
	Port of Anchorage			
	Office of Economic & Community Development			
	Solid Waste Services			
	Public Transportation			
	Anchorage Water & Wastewater Utility			
	Executive Manager			
	Planning Department			
	Chief Fiscal Officer			
	Heritage Land Bank			
	Information Technology Department			
	Project Management & Engineering			
	Purchasing			
	Other			
<b>5</b>	Special Instructions/Comments			
	ADDENDUM -- CONSENT AGENDA--INTRODUCTION			
<b>6</b>	ASSEMBLY HEARING DATE REQUESTED		PUBLIC HEARING DATE REQUESTED	
	3/27/07		4/10/07	

MOA  
 2007 MAR 23 AM 8:15  
 CLERK'S OFFICE